IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 14TH AUGUST 2006 / 23RD SRAVANA 1928

Bail Appl..No. 4981 of 2006

AGAINST THE ORDER IN CMP 1746(A)/06 IN CC.456/2006 of J.M.F.C.-I MUVATUPUZHA

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PETITIONERS:

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1. LALU, S/O. PAILY,
   MANNULLIL VEEDU, KARINGACHIRA KARA
   THIRUVANKULAM.

2. REGHU, S/O. NARAYANAN,
   KALLUMKAL, ELAMKULAM KARA,
   KOLENCHERRY.

BY ADV. SRI.V.BIJU JOSEPH

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/08/2006, ALONG WITH B.A.NOS. 4982/06, 4984/06 AND 4985/06, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.Nos. 4981/06, 4982/06, 4984/06 & 4985/06

DATED THIS THE 14TH DAY OF AUGUST, 2006

O R D E R

The accused in all the four applications are one and the same persons. Lalu, the first petitioner, is in judicial custody as he was arrested on 7.3.2006. Reghu, the second petitioner, is in judicial custody, as he was arrested on 23.2.2006. The petitioners are before this Court, under Section 439 Cr.P.C.

2. B.A.No.4981/2006 is preferred by accused Nos. 1 and 3. The offence alleged against them are under Sections 457 and 380 IPC read with Section 34 IPC. The same is pending as C.C.No.456/2006 on the file of the Judicial Magistrate of First Class, Muvattupuzha.

3. B.A.No.4982/2006 is preferred by Lalu, as he is the sole accused in crime No.64/2005 of Piravam Police Station, for the offence punishable under Sections 457, 380 and 461 IPC. It is pending as C.C.No.255/2006 on the file of the Judicial Magistrate of First Class, Muvattupuzha, as his arrest was recorded on 7.3.2006.

4. B.A.No.4984/2006 is preferred by both Lalu and Raghu, in crime No.322/2005 of Muvattupuzha Police Station, the offence alleged being under Sections 457 and 380 IPC read with Section 34 IPC. The same is pending as C.C.No.545/2006 of the same Court. Their arrest was also recorded on 7.3.2006 and 23.2.2006 respectively.

5. B.A.No.4985/2006 is also preferred by both the petitioners, Lalu and Reghu, in crime No.662/2004 of Muvattupuzha Police Station for the offence punishable under Sections 457 and 380 IPC read with Section 34 IPC. The same is pending as C.C.No.378/2006 on the file of the Judicial Magistrate of First Class, Muvattupuzha. The petitioners, in this bail application, are also in judicial custody from 7.3.2006 as well as 23.2.2006.

6. I heard the arguments advanced by both sides. The learned Public Prosecutor apprehends that if the petitioners are released, they may indulge in the same activities, as they are the habitual offenders of the locality in committing theft of the rubber sheets,

particularly when the value of the rubber sheets are very high in the present market.

7. The learned counsel for the petitioners, on the other hand, submitted that any stringent condition may be imposed and they may be given an opportunity to defend their case, as the trial is going on. The counsel Mr. Biju Joseph Vilangadan is himself defending the case before the trial Court as well. It is brought out that some of the accused had got bail and some others are in jail.

8. After considering the facts that are placed before me, I grant bail and release the petitioners from jail, subject to the following conditions:-

> (a). Each petitioner shall execute a bond for Rs.25,000/-, in each crime, by executing separate bonds, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class, Muvattupuzha.
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> (b). The petitioner/petitioners shall report before the S.H.O of Muvattupuzha Police

Station, once in a week on every Friday, between 10.00 a.m and 11.00 a.m., starting from 18.8.2006, till all the cases, pending against the accused, are finally tried and disposed of, by the learned Magistrate. The learned Magistrate shall give priority for the disposal of the cases pending against the petitioner/petitioners.

(c). The petitioners shall not leave the Muvattupuzha police station limit, till the final trial and disposal of the case, pending against each one of them.

(d). The petitioner/petitioners shall furnish their place of residence, within the Muvattupuzha police station limit, to the S.H.O of the Muvattupuzha police station, immediately on their release.

The applications are allowed as above.

J.M.JAMES
JUDGE

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